IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.11.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
AND
THE HON'BLE MR. JUSTICE S. TAMILVANAN

WRIT PETITION NO.23042 OF 2004

AND WPMP.NOs.27868 & 46947 OF 2004

..

P. Jeyasingh Peter .. Petitioner

vs.

1.Chennai Metropolitan Development
Authority, rep. By its
Member Secretary
Chennai 600 008.

2.Government of Tamil Nadu
rep. By Secretary
Housing Department
Fort St. George, Chennai 9.

3.Government of Tamilnadu
rep. By Secretary
Revenue Department
Fort St. George
Chennai 600 009.

4.Corporation of Chennai
rep. By its Commissioner
Rippon Buildings
Chennai 600 003.

5.S.K.G. Mohideen .. Respondents

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus as stated therein.(Ref. L.O. No. Reg/C6/26162/2002, dated 22.07.2004 on the file of the 1st Respondent)

For petitioner : Mrs. Chitra Sampath

For respondents: Mr. J. Ravindran for R.1
Mr. K. Elango,Spl.G.P. For R.2&3
Mr. T. Mathi for R.4
Mr. Rahul Balaji for
Mr. M. Kempraj for R.5

..

ORDER

(Order of the Court was made by P. Sathasivam,J.)

Aggrieved by the proceedings of the first respondent dated 22.07.2004, the petitioner by name P. Jeyasingh Peter has filed this writ petition to quash the same and direct the respondents to demolish the unauthorised deviated construction put up by 5th respondent in Plot No.5, Old No.55, New No.131, Medavakkam Tank Road, Kilpauk, Chennai 10.

2. Heard the learned counsel for the petitioner as well as the respondents.

3. During the course of hearing, the learned counsel appearing for the 5th respondent by drawing our attention to the decision of the First Bench of this court in the case of **Consumer Action Group vs. The State of Tamil Nadu (2006 (4) CTC 481)** sought permission to file an affidavit to the effect that till Monitoring Committee considers the complaint of the petitioner and the claim of the 5th respondent, he will not use the premises in question for any function and if at all the same will be used for residential purpose and depending on the decision of the Monitoring Committee, further course will be adopted. Considering the said request, we permitted the 5th respondent to file an affidavit. Pursuant to the same, 5th respondent has filed an affidavit dated 24.11.2006. Among the details furnished in the affidavit, his undertaking in para 6 is relevant, which read as under.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

"6. I undertake that until final orders are passed by the Monitoring Committee in accordance with the directions passed by this Hon'ble Court, I shall not use the premises for any function and if the premises are put to use it will be only for residential purpose and thereafter I will act in terms of the order of the said Monitoring Committee."

The above undertaking is hereby recorded.

4. In view of the order of the First Bench referred to above, the first respondent as well as 5th respondent are permitted to move the Monitoring Committee for appropriate relief/order. In view of the fact that this Court has granted an order of status quo even as early as on 04.10.2004, it is made clear that the same order shall continue till final decision being taken by the Monitoring Committee.

The writ petition is disposed of on the above terms. No costs. Connected WPMPs., are closed.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Member Secretary
Chennai Metropolitan Development
Authority,
Chennai 600 008

2.The Secretary
Government of Tamil Nadu
Housing Department
Fort St. George, Chennai 9.

3.The Secretary
Government of Tamilnadu
Revenue Department
Fort St. George
Chennai 600 009.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

4.The Commissioner
  Corporation of Chennai
  Rippon Buildings
  Chennai 600 003.

+ one cc to Mr. J. Ravindran, Advocate sr no. 58212
+ one cc to M/s. Chitra Sampath Advocate sr no. 58085
+ one cc to the Government Pleader sr no. 57935
+3ccs to Mr. M. Kempraj, ADvocate sr no. 57762
+ one cc to Mr. T. Mathi Advocate sr no. 57728

GGK (CO)
nm(15.12.2006)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/